



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.1233/2021

1. Smt. Latabai W/o Madhukar Shende,
aged 60 Yrs., Occ. Household.
2. Rakesh s/o Madhukar Shende,
aged 37 Yrs., Occ. Student.

Both R/o 1, Ghorpadi Railway
Quarter No.203/17, Pune.

... Applicants

- Versus -

1. The State of Maharashtra,
through Police Station Officer,
Police Station Chandrapur City,
Chandrapur.
2. Smt. Megha w/o Dinesh Shende,
aged 32 Yrs., Occ. Household,
R/o C/o Dadaji Narayan Ramteke,
Lalpeth Colliery No.1, Chandrapur. ... Non-applicants

Mr. D.N. Dani, Advocate for the Applicants.
Ms. Kalyani Marpakwar, A.P.P. for Non-applicant No.1.
Mr. Mahesh Rai, Advocate for Non-applicant No.2.

CORAM: SMT. VIBHA KANKANWADI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 12.7.2024.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard Mr. D.N. Dani, learned Advocate for the Applicants, Ms. Kalyani Marpakwar, learned A.P.P. for Non-applicant No.1 and Mr. Mahesh Rai, learned Advocate for Non-applicant No.2. **Rule.**

2. The applicants have filed this application for quashing of criminal proceedings Regular Criminal Case No.915/2021 arising out of Crime No.0685/2021 filed against these applicants for the offence punishable under Section 498-A read with Section 34 of I.P.C.

3. Non-applicant No.2 has lodged the complaint against the applicants who are her mother-in-law and brother-in-law alleging that they harassed her and, therefore, crime against applicants and accused No.1-the husband of non-applicant No.2 is registered. The marriage of non-applicant No.2 was performed on 3.11.2016 with Dinesh Madhukar Shende, the accused No.1. After their marriage non-applicant No.2 was staying with these applicants and her husband was doing job in Pune and used to visit on weekends. During that period, the applicants harassed

her. Accused No.1 beat her and accused No.2 i.e. applicant No.1 used to ask her to do the household work and used to pass comments. They harassed her by saying that her parents have not given the sufficient dowry and the gifts. It is alleged that whenever her husband used to visit Wani both of the applicants used to abet to instigate her by poisoning his mind.

4. According to non-applicant No.2 after few days she stayed with her husband in Pune. In 2018 her husband dropped her at her parents' house. The meeting was called and as per allegations in said meeting the sister-in-law and her husband were present and they also asked the accused No.1 not to keep non-applicant No.2 with him. On the complaint lodged by non-applicant No.2 the crime is registered and the chargesheet is also filed against all the accused persons.

5. Learned Advocate for the applicants has stated that the allegations made against these applicants are not correct. When non-applicant No.2 was staying with her husband at Pune she had threatened her husband that she would commit suicide because of which her husband has lodged complaint and N.C. was

registered. The husband of non-applicant No.2 has issued the notice and called her back for cohabitation. She has replied the same but nothing specific is mentioned in it against both these applicants. Hence prayed to quash the chargesheet against these applicants.

6. Learned A.P.P. opposed the application stating that specific allegations are made against these applicants. The specific role is mentioned by non-applicant No.2. The applicants have to face the trial to prove their innocence and, therefore he has prayed to reject the application.

7. Heard both sides. Perused the record.

8. Applicant No.1 is the mother-in-law and applicant No.2 is brother-in-law of non-applicant No.2. After going through the F.I.R. it is seen that the main allegations of beating and harassing are against the husband. He is not before us. The husband has also filed N.C. Report against non-applicant No.2. There are no specific allegations made against these applicants. No specific incident is mentioned. Only the vague statement is

made by non-applicant No.2 that both of them used to abet her husband to quarrel with her. Considering the period of her stay with these applicants and the allegations made against them it is clear that the essential ingredients of Section 498-A of I.P.C. are not attracted. *Prima facie* no case is made out against these applicants.

9. For the aforesaid reasons, the application is allowed and disposed of.

Criminal proceedings i.e. Regular Criminal Case No.915/2021 arising out of Crime No.0685/2021 filed against these applicants for the offence punishable under Section 498-A read with Section 34 of I.P.C is quashed and set aside against these applicants only.

(MRS.VRUSHALI V. JOSHI, J.)

(SMT. VIBHA KANKANWADI,J.)